

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

RAYMOND ORRAND, *et al.*,

Plaintiffs,

vs.

Civil Action 2:06-CV-635
Judge Marbley
Magistrate Judge King

CBN STEEL CONSTRUCTION, INC.,

Defendant.

ORDER

This is an action under ERISA, 29 U.S.C. §1132, and 29 U.S.C. §185 for injunctive and monetary relief in connection with defendant's alleged failure to make required reports and contributions to employee benefits plans. This matter is now before the Court on plaintiffs' motion for summary judgment. Doc. No. 24. There has been no response to the motion.

Summary judgment is appropriate if the record establishes that there exists no genuine issue of material fact. Rule 56, F.R. Civ. Pro. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986). The mere existence of a scintilla of evidence in support of the opposing party's position will be insufficient; there must be evidence on which the jury could reasonably find for the opposing party. *Anderson*, 477 U.S. at 251. See also *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986).

The motion and supporting affidavit of Raymond Orrand establish that plaintiffs are entitled to summary judgment and the relief requested in the motion for summary judgment. The motion for summary judgment, Doc. No. 24, is therefore **GRANTED**.

Plaintiffs are **GRANTED** judgment against CBN Steel Construction, Inc. for the following:

1. Delinquent fringe benefit contributions for the period September 1, 2004 to April 1, 2008, in the amount of \$4,394.62 under 29 U.S.C. §1132(g)(2)(A);
2. Interest in the amount of \$2,511.34 calculated to May 15, 2008, plus \$2.20 per day thereafter as long as the judgment remains unpaid under 29 U.S.C. §1132(g)(2)(B);
3. Statutory interest in the amount of \$2,511.34 calculated to May 15, 2008, plus \$2.20 per day thereafter as long as the judgment remains unpaid under 29 U.S.C. §1132(g)(2)(C);
4. Attorney's fees (29 U.S.C. §1132(g)(2)(D)); and
5. Under 29 U.S.C. §1132(g)(2)(D), court costs in the amount of \$350.00.

Moreover, plaintiffs are **GRANTED** the injunctive relief requested by them. Defendant CBN Steel Construction, Inc., is **ENJOINED** from transferring any assets until the delinquent contributions, interest, liquidated damages, attorneys' fees and court costs are paid in full.

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge